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Letter dated 26 April 2002 from the Secretary-General to the President of the Economic and Social Council

I have the honour to inform you and the members of the Economic and Social Council that, on 14 March 2002, the Permanent Representative of Malaysia to the United Nations informed the Legal Counsel that, on 7 July 2001, the Kuala Lumpur High Court dismissed the remaining civil suits against Dato' Param Cumaraswamy on the grounds that he enjoyed immunity from legal process in accordance with the advisory opinion of the International Court of Justice of 29 April 1999. In his letter, the Permanent Representative of Malaysia to the United Nations concludes that "the Government of Malaysia has thus discharged its responsibilities in accordance with the ICJ opinion".

The United Nations is grateful that the lawsuits pending in the Malaysian civil courts against Dato' Param Cumaraswamy have finally been dismissed in accordance with the advisory opinion of the International Court of Justice of 29 April 1999. As for the discharge of Malaysia's responsibilities, however, it should be recalled that, in commenting on the obligations of Malaysia in its advisory opinion, the International Court of Justice had, inter alia, found that Dato' Param Cumaraswamy must be held financially harmless from any costs imposed by the Malaysian courts, in particular taxed costs. It is the considered view of the United Nations that the costs imposed by the Malaysian courts within the meaning of the advisory opinion include all legal expenses imposed on Dato' Param Cumaraswamy by virtue of the court orders and proceedings in the Malaysian courts. Thus, in accordance with the advisory opinion of the International Court of Justice, Dato' Param Cumaraswamy's legal expenses are ultimately the responsibility of the Government of Malaysia.

The United Nations therefore maintains that, in order to fulfil its obligations to hold Dato' Param Cumaraswamy financially harmless, the Government of Malaysia should reimburse the Organization in the amount of US$ 118,145.91 for the legal expenses it paid on behalf of Dato' Param Cumaraswamy in connection with the four lawsuits. I wish to recall that, in my letter to the President of the Economic and Social Council dated 15 December 1999 (E/1999/124), I informed the Economic and

Social Council that the United Nations had submitted a claim for reimbursement to the Government of Malaysia in the amount of US$ 110,886.91 for the legal expenses which had accrued between January 1997 and October 1999 in connection with the proceedings in the four lawsuits that the Organization had paid on behalf of Dato' Param Cumaraswamy. A further request for reimbursement was submitted by the Legal Counsel to the Permanent Representative of Malaysia to the United Nations on 14 November 2001 for a final payment of US$ 7,259.00 which was paid by the Organization in August 2001 in connection with the aforementioned lawsuits for costs which had accrued between November 1999 and June 2001.

Thus, while the United Nations is very pleased that the lawsuits against Dato' Param Cumaraswamy have finally been dismissed, I remain concerned that the Organization has not been reimbursed for his legal expenses in accordance with the advisory opinion of the International Court of Justice of 29 April 1999.

(*Signed*) Kofi A. **Annan**

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Macroeconomic policy questions: science and technology for development

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New York, 1-24 July 2002
Items 7 (c) and 13 (b) of the provisional agenda**

Coordination, programme and other questions: international cooperation in the field of informatics

Economic and environmental questions: science and technology for development

Preparations for the World Summit on the Information Society

Note by the Secretary-General***

The Secretary-General of the United Nations has the honour to transmit to the members of the Economic and Social Council and the General Assembly the report of the Secretary-General of the International Telecommunication Union on the ongoing preparatory process for the World Summit on the Information Society, which was prepared in accordance with General Assembly resolution 56/183.

* A/57/50/Rev.1.
** E/2002/100.
*** The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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Report of the Secretary-General of the International Telecommunication Union on the preparations for the World Summit on the Information Society

Summary

Pursuant to decisions of the International Telecommunication Union (ITU) Council and in accordance with the endorsement of the General Assembly on 21 December 2001 (see resolution 56/183), ITU has launched the preparatory process for the World Summit on the Information Society. Resolution 56/183 recommends an intergovernmental preparatory process with active participation and direct contributions on the part of other stakeholders.

Three series of Preparatory Committee meetings will set the framework for the Summit; the first series is to be held in Geneva from 1 to 5 July 2002. Regional preparatory conferences are planned in each of the regions of the world to address key issues. Informal consultations are being held with missions to the United Nations in Geneva to prepare for the first series of meetings.

A set of themes for the Summit has been developed. They will be further considered in conferences and consultations and will be a key issue for the Preparatory Committee meetings.

Resolution 56/183 provides that ITU will take the lead role in Summit preparations, in coordination with United Nations agencies and other partners. The action plan endorsed at the fall 2000 session of the Administrative Committee on Coordination called for the creation of the High-level Summit Organizing Committee to coordinate the work of United Nations agencies assisting with Summit preparations. Members of the Organizing Committee are currently engaged in aligning activities related to the themes of the Summit among United Nations agencies and making substantive contributions on issue development.

The executive secretariat of the World Summit, composed of staff drawn from governments, United Nations agencies, the private sector and civil society, began work in September 2001 to support the Preparatory Committee meetings and the preparatory process of the Summit.

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I. Introduction

1. Resolution 73 (Minneapolis, 1998), adopted by the Plenipotentiary Conference of the International Telecommunication Union (ITU), resolved to instruct the Secretary-General of ITU to place the question of the holding of a World Summit on the Information Society on the agenda of the United Nations Administrative Committee on Coordination (ACC) (now the United Nations System Chief Executives Board for Coordination) and to report to the ITU Council on the results of that consultation. In his report to the Council at its 1999 session, the Secretary-General of ITU indicated that the reaction of the ACC was positive and that a number of other organizations and agencies had expressed interest in being associated with the preparation and holding of the Summit. In 2000 the ACC again expressed its support for the Summit and adopted an action plan for its organization, under the aegis of the United Nations Secretary-General and with ITU taking the lead role in preparations.

2. The 2000 session of the ITU Council considered a feasibility study for the Summit and generally supported its conclusions. By its resolution 1158 the Council instructed the Secretary-General of ITU to continue to consult with interested parties on holding the Summit in the year 2003 and to select a venue and begin making other preparations.

3. At its 2001 session the Council considered the report of the ITU Secretary-General, and in resolution 1179 it endorsed the framework for a Summit in two phases, with the first phase in Geneva in 2003 and the second phase in Tunisia in 2005.

4. In the summer of 2001, the Economic and Social Council welcomed the proposed holding and framework of the Summit.

II. General Assembly resolution 56/183

5. On 21 December 2001 the General Assembly adopted resolution 57/193, welcoming the proposal to hold the World Summit on the Information Society. The resolution endorsed the framework for the Summit approved by the ITU Council and the leading role of ITU in the Summit and its preparation, in cooperation with other interested organizations and partners.

6. The resolution called on governments to actively participate in Summit preparations and to be represented at the highest possible level. It also asked for active participation in and effective contributions to the Summit and its preparations on the part of all relevant United Nations and intergovernmental organizations, including international and regional institutions, non-governmental organizations, civil society and the private sector.

III. The preparatory process

7. General Assembly resolution 56/183 recommended an intergovernmental preparatory process in which other stakeholders actively participate and make contributions.

8. The series of Preparatory Committee meetings is scheduled from 1 to 5 July 2002 in Geneva. The purpose of the meetings is to set the framework and the working methods of the Summit and to begin consideration of the agenda, themes and output for the first phase, in Geneva in 2003. The meetings will also determine the modalities of participation of the other Summit partners.

9. An invitation to the first series of the Preparatory Committee meetings was sent by the ITU Secretary-General to ministries of foreign affairs on 6 February 2002, accompanied by a draft agenda. Invitations will also be sent to representatives of the private sector by 26 April 2002. The online process to begin accreditation of representatives of civil society has received more than 280 expressions of interest in registration, which will be subject to approval by the Preparatory Committee. It is expected that some 1,000 to 1,500 participants will attend the first series of Preparatory Committee meetings.

10. The second series of Preparatory Committee meetings will be held from 24 March to 4 April 2003 in Geneva and the third in the third quarter of 2003.

11. Regional preparatory conferences are expected to be held in each of the United Nations regions. These conferences will focus on subjects of concern to each region and will provide further input to the Summit. They will assess the key challenges, opportunities and constraints stemming from the information society, develop a common vision and understanding for the region and prepare a plan to address the key issues and solve the problems identified. The first regional

conference will be held in Bamako from 28 to 30 May 2002. The second will be held in Bucharest from 7 to 9 November 2002. Offers to host regional conferences have also been received from Chile and Japan.

12. A series of informal consultations with missions to the United Nations in Geneva was scheduled from January through June 2002. Three have been held to date, with broad attendance and active participation. The purpose of these meetings is to prepare the agenda and documents for the first series of Preparatory Committee meetings. Issues already discussed include the Bureau of the Preparatory Committee, the rules of procedure, the draft agenda and the modalities of participation for the private sector, civil society and other stakeholders.

13. The United Nations Information and Communication Technologies (ICT) Task Force is expected to play a particular and significant role in the preparatory process for the Summit. The ICT Task Force is established on a multi-stakeholder basis and can bring a unique perspective to issues addressed at the Summit. The results of its reports and analyses can be important for the overall success of the preparatory process and for the Summit itself. Furthermore, the regional networks being created by the ICT Task Force can play a role in developing regional perspectives on the content and output of the Summit.

Themes

14. A set of draft themes was developed in 2000 by the ITU secretariat, in consultation with other United Nations agencies and Summit partners.

15. The proposed themes of the Summit address the central issues raised by the information society and include the following:

- Building the infrastructure;
- Opening the gates: universal and equitable access to the information society;
- Services and applications;
- The needs of the user;
- Developing a framework;
- ICT and education.

16. Under each of these broad themes, consideration will be given to the relevant developmental, economic, policy, social, cultural and technological aspects. Further development of the agenda and themes of the Summit will be a key issue for the Preparatory Committee meetings and regional conferences.

IV. Organization of the Summit

A. The High-level Summit Organizing Committee

17. At its fall 2000 session the ACC endorsed an action plan for organizing the Summit, presented by the ITU Secretary-General.

18. The action plan called for the creation of a High-level Summit Organizing Committee, consisting of United Nations agencies interested in participating in the preparations for the Summit. The Organizing Committee is supported by an executive secretariat based in Geneva.

19. The Organizing Committee was established in March 2001 by e-mail correspondence, and it consulted electronically on various issues. Under the Organizing Committee's terms of reference, the ITU Secretary-General is its Chairman.

20. The first physical meeting of the Organizing Committee took place in New York on 18 October 2001 and provided the occasion for ITU to inform other United Nations agencies of the decisions taken by its Council in 2001. The following broad conclusions concerning the preparatory process for the Summit were reached:

- The executive secretariat of the Summit should make a list and keep track of relevant United Nations activities in the area of the information society, so that United Nations agencies can be aware of the synergies and opportunities presented by the World Summit;
- The Summit should focus on a series of broad, cross-cutting themes and issues to attract Heads of State and thereby help create momentum for United Nations system efforts in this field;
- It is important to involve the private sector, and other interested entities, in all phases of the Summit and its preparations and to develop rules that allow the participation of such entities.

21. The Organizing Committee agreed that one way to maximize resources was for United Nations agencies to pool their efforts in organizing meetings related to the topic of the Summit and to seek to align those meetings with the Summit preparatory process. An example of such alignment is found in a series of consultation meetings organized by the United Nations Educational, Scientific and Cultural Organization with civil society representatives, leading up to a final consultation held in Paris on 22 and 23 April 2002, convened jointly with the executive secretariat of the Summit.

22. A working-level meeting of the Organizing Committee focal points took place on 13 March 2002 in Geneva. Planning for the first series of the Preparatory Committee meetings and the Summit was reviewed. Discussion focused on the themes of the Summit. It was agreed that broad policy perspectives were desirable, that events parallel to the Summit were welcome and that the Summit should relate to the broad goals established by the Millennium Declaration but should not be seen as a development conference.

23. It was agreed that the Organizing Committee members would each prepare a two-page issues paper explaining and identifying themes and activities relevant to or linked to the Summit.

B. The International Telecommunication Union Council Liaison Committee

24. Resolution 1179 of the ITU Council established a Liaison Committee for the Summit, to be headed by the Chairman of the ITU Council for 2001. The Liaison Committee is open to all States members of the Council and is intended to work by electronic means to the greatest extent possible. The tasks of the Liaison Committee are to consider ITU involvement in the Summit process and ITU contributions to the substance of the Summit, in accordance with resolution 73 (Minneapolis, 1998), and to report on this to the Council in 2002; to assist in ensuring that the projected steps in planning for the Summit process are taken; and to support the Secretary-General of ITU in his role in the Organizing Committee.

25. Contributions from States members of the Council have focused on the structure of the preparatory process and the themes of the Summit.

C. The executive secretariat

26. The executive secretariat of the Summit is the body that will organize a major portion of the Summit preparations and is composed of staff drawn from governments, United Nations agencies, the private sector and civil society.

27. The divisions of the executive secretariat reflect the mandate contained in General Assembly resolution 56/183 to encourage stakeholder involvement in the Summit. The four divisions of the executive secretariat are the Member States Division, the Private Sector Division, the Civil Society Division and the United Nations Agencies Division. The executive secretariat has been organized into project teams for each of the key tasks involved in preparations for the Summit.

28. The executive secretariat began functioning in September 2001, and to date 14 commitments have been received to detach experts to serve in the executive secretariat.

V. Finances

29. In addition to the financial support offered by the two host countries, extrabudgetary resources are required for organizing the Summit, as the 2002-2003 ITU budget provides only a small amount for this purpose. General Assembly resolution 56/183 invites the international community to make voluntary contributions to a special trust fund established by ITU to support the preparations for and the holding of the Summit, as well as to facilitate the effective participation of representatives of developing countries, in particular the least developed countries.

30. It is estimated that the cost requirements for organizing the first phase of the Summit (2002-2003), exclusive of the contribution of the host country, are approximately 7.8 million Swiss francs, and a similar amount is estimated for the second phase. A campaign to solicit the needed funds has already begun.